REMARKS

This communication is in response to the Office Action mailed on March 8, 2005. The Office Action first reports that claims 5 and 7 were objected to and claims 1-4, 6 and 8 are rejected.

Claims 1-2, 4 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by O'Connor et al. (5,648,767). O'Connor was cited in the first Office Action; however, the specific parts the Examiner presently relies on now are different from those of the first Office Action. In particular, the Examiner relies on Fig. 11 in connection with column 10, line 53 - column 11, line 10. From this text, it appears that Fig. 11 shows a single four element antenna that can be placed over the lane to be measured. A first array is formed by elements A1 and A2, while a second array is formed by elements B1 and B2. The two arrays are perpendicular to each other. The measurement area is a circle or an ellipse on the surface of the lane, dependent on the orientation (parallel respectively tilted) of the plane of elements A1, A2, B1, B2 with respect to the surface of the lane to be measured.

The conclusion that this reference teaches or suggests the invention recited by claim 1 fails for the following reasons. First, the cited parts of the specification do not teach or suggest that the second array of elements B1, B2 (forming the two measurement points/receivers of claim 1 according to the Examiner) is positioned at the outer points of a line segment which "crosses the course in a perpendicular manner," as recited by claim 1. The orientation related parts of the O'Conner system as provided in the specification leave entirely open any orientation of elements B1 and B2 with respect to the lane.

Second, O'Connor does not teach or suggest detection of a transponder using only the second array of elements B1, B2. A measurement of the phase difference between the elements B1 and

B2 is not sufficient to detect the transponder as is clear from the entire specification of O'Connor. Also the measurement of the phase difference between A1 and A2 is required. E.g. in Fig. 6, elements A1 and A2 of the first array of Figs. 11 may correspond with elements 32A and 32B and elements B1 and B2 of the second array with elements 34A and 34B. Only after combination (signal combiner 48) of the signals of *both* arrays, detection processing (block 52E) becomes possible. In this respect, of course also the arguments of our reply to the first Office Action are still applicable and are herein incorporated by reference.

Finally, the system of O'Connor only detects the presence of a transponder instead of determining a position where the transponder passes a line segment. This is illustrated by the part of the specification in column 3, relied on by the Examiner, where it is stated that the information of the two or more antennas "is used to determine *if* the transponder is located in a certain area" (emphasis added). In the context of Fig. 11, only the presence of a transponder in the circular or elliptical area is detected and certainly not a determination of the position where the transponder passes a line segment, as defined by elements B1 and B2, and recited by claim 1.

Minor amendments have been made to claims 2, 3 and 8 for clarification and not based on any prior art.

With this Amendment, independent claims 9 and 14 have been added. These claims recite features similar to claim 1 and for the reasons discussed above are also believed allowable. Dependent claims 10-13 and 15-18 have also been added and correspond to claims 2 and 4 (in combination); claim 3; claim 5 and claim 6, respectively. These claims are also believed separately patentable.

If in the event, the Examiner believes a restriction requirement is needed in view of these added claims. The Examiner is encouraged to call the undersigned to resolve the restriction

requirement expeditiously.

In view of the foregoing, Applicant respectfully submits that claims 1-18 are in allowable form. Reconsideration and allowance of the application as amended are respectfully requested.

The Director is authorized to charge any fee deficiency required by this paper or credit any overpayment to Deposit Account No. 23-1123.

Respectfully submitted,

WESTMAN, CHAMPLIN & KELLY, P.A.

By: _____

Steven M. Koehler, Reg. No. 36,188
Suite 1400 - International Centre
900 Second Avenue South
Minneapolis, Minnesota 55402-3319
Phone: (612) 334-3222 Fax: (612) 334-3312